

REMARKS

It is noted that the drawings, as filed, were not objected to by the office drafts person or the examiner, therefore, they are considered to be acceptable.

By this amendment the specification has been amended on page 1 to indicate the serial number and filing date of the related design patent application, which application has been allowed and the issue fee paid and on page 4 to add specific wording to denote the obvious generally cylindrical nature of the receptacle and the connection of the handle to the base, as shown in the drawings.

The courtesy of the examiner in granting Applicant's attorney a telephone interview on November 17, 2005 is acknowledged. Applicant's attorney and the examiner discussed the indicated allowance of claims 18-20 as filed, and the objection to claims 3, 6, 7 and 12-17, but the allowance thereof if they were rewritten in independent form to include the limitations of the base claim and any intervening claims. Additionally, the possibility of submitting one or more new independent claims, along the lines of rejected claims 1 and 11, with the further limitation that the receptacle had a generally cylindrical shape would be considered and appeared to define over the prior art of record.

In summary, the examiner rejected claim 1 under 35 U.S.C. § 102(b) as being anticipated by Roman; claims 1, 2, 4, 5 and 11 under 35 U.S.C. § 102(b) as being anticipated by Minor et al.; claims 1 and 8 -10 under 35 U.S.C. § 103(a) as being unpatentable over Shull in view of Rice, Jr. et al. (claim 1) or, further in view of Russell (claims 8-10); claims 18 - 20 were allowed and claims 3, 6, 7 and 12-17 objected to as being dependent upon a rejected base claim, but indicated as being allowable if rewritten in independent form to include the limitations of the base claim and any intervening claims.

With the cancellation of claims 2, 3 and 12, the amendment of claim 1 to include the cancelled portions of claims 2 and 3, and the amendment of claim 11 to include the cancelled portions of claim 12, as well as the amendment of claims 4, 6 and 13 to be properly dependent on claims 1 and 11, claims 1, 4 - 11 and 13 -20 should now be allowable, as indicated by the examiner.

New independent claims 21 and 23 include all the limitations of originally filed claims 1 and 11 plus the recitation that the holder includes a generally cylindrical receptacle extending between the substantially planar lower surface and the opposite upper surface and that an arcuate web rigidly connects the upper surface of the base to the upper end of the handle. The specification has been amended to include specific mention of these added limitations and no new matter is believed to be added by this amendment to the specification and these newly added independent claims. New claim 22 is dependent on claim 21 and adds the limitations of cancelled claim 2.

New claims 21 – 23 are felt to define over the prior art of record in that they define the receptacle as being generally cylindrical and extending between the substantially planar lower surface and the opposite upper surface and arcuate as being web rigidly connecting the upper surface of the base to the upper end of the handle. This structure is not shown or disclosed by the cited references and, therefore, should be allowable.

Twenty (20) claims, including 3 independent claims were filed and paid for in this application. Three claims were cancelled and three claims added by this amendment, 2 of these new claims are independent, thereby making a total of 5 independent claims. The further fees for these extra 2 independent claims are included herewith.

In view of the above, the Examiner is respectfully requested to allow this application and to notify Applicant accordingly.

If the Examiner has any questions with regard to this amendment the examiner is respectfully requested to contact Applicants' attorney at either the facsimile or telephone number set forth below.

Very truly yours,

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